

3:20-CV-2251-SB

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

UNITED STATES DISTRICT COURT

23 DEC '20 14:16 REC'D USDC-ORP
for the

FILED 23 DEC '20 15:50 USDC-ORP

District of OREGON

CIVIL Division

Thomas Daren DuBois
(petitioner)Amazon Services Inc.
(respondant)

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one)

Yes

No

✓

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Thomas Daren DuBois

Street Address

4410 S.E. ALDERCREST RD.

City and County

Milwaukie - Clackamas

State and Zip Code

OR, 97222

Telephone Number

(503) 512-3188

E-mail Address

thdubois1968@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant,

#91435

Defendant No. 1

Name	AMAZON SERVICES INC.
Job or Title (if known)	Corporation
Street Address	1250 NW Swigert Way
City and County	Troutdale - Multnomah
State and Zip Code	OREGON 97060
Telephone Number	UNKNOWN
E-mail Address (if known)	

Defendant No. 2

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

Defendant No. 3

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

Defendant No. 4

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	AMAZON (PDX-9)
Street Address	1250 NW Swigert Way
City and County	Troutdale - Multnomah
State and Zip Code	OR 97060
Telephone Number	UNKNOWN

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

<input type="checkbox"/>	<input type="checkbox"/>	Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(Note: In order to bring suit in federal district court under Title VII, you must first obtain Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Statement of Claim

SECTION III Subsection (A)

+ J. Thomas DuBois, under the penalty of perjury, state the truth as follows...

#1 Termination of Employment - I was wrongfully terminated for Workplace Violence. 12-06-2019

#2 Unequal terms and conditions of my Employment -
On 9-06-2019 I was refused to inspect and copy my employee personnel file by Shelley Erickson, head of human Resources, and her downline associate "John".

(b) On August (08-15-2019) I was taken off order picker machine by dock Mgr. "Cassie" and forced to stow which I objected. Blatant continual harassment rendered me obtaining a current day stat sheet, proving I was at double the production of other associates, and presenting stat sheet to head operations for inbound... "Nate".

#3 Retaliation - On 4-24-2019 I was wrongfully disciplined by Dock mgr. Renee Bradbury as I was forced to manual pick on an outbound shift, that starts At 7:30, when I arrived for my normal shift At 7:00 AM. Ms. Bradbury came to me during picking and said "Don't ever do that to me again". Referring to my early departure on 4-20-19

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Other federal law (specify the federal law):

Relevant state law (specify, if known):

Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

Failure to hire me.

☒ Termination of my employment.

Failure to promote me.

Failure to accommodate my disability.

☒ Unequal terms and conditions of my employment.

☒ Retaliation.

Other acts

(specify):

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

4-24-19, 8-15-19

C. I believe that defendant(s) (check one):

☒ is/are still committing these acts against me.

☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

race

color

gender/sex

religion

national origin

age (year of birth)

(only when asserting a claim of age discrimination.)

disability or perceived disability (specify disability)

E. The facts of my case are as follows. Attach additional pages if needed.

SEE
ATTACHED
B.O.L.I.
COMPLAINT

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

09-25-2019

- B. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Notice of Right to Sue letter.

☒ issued a Notice of Right to Sue letter, which I received on (date) 10-04-2019

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐ 60 days or more have elapsed.

☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The plaintiff ask for damages per Discrimination, Re-taliation, Wrongful Termination, Harassment, Un-warranted Emotional AND financial distress, Defamation of character in the relief sum of \$500,000.00

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

- A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be

served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

signing:	Date of	12-23-2020	
Signature of Plaintiff		<i>Thomas D. DuBois</i>	
Printed Name of Plaintiff		THOMAS D. DuBois	
B. For Attorneys			
signing:	Date of		
Signature of Attorney			
Printed Name of Attorney			
Bar Number			
Name of Law Firm			
Street Address			
State and Zip Code			
Telephone Number			
E-mail Address			

OREGON EMPLOYMENT DEPARTMENT
PO Box 14135 * Salem, Oregon 97309 5068
(503) 292-2057, (541) 388-6207 or (877) 345-3484 (toll free)
Fax to (866) 345-1878

Administrative Decision

THOMAS D DU BOIS
4410 SE ALDERCREST RD
MILWAUKIE OR 97222-4708

Date Issued: January 17, 2020

Appeal Deadline Date: February 06, 2020

Cust ID: 42-116.030.985

OUTCOME/RESULTADO:

You are **ALLOWED** benefits on this claim, if otherwise eligible.

Se le **OTORGAN** los beneficios en este reclamo, si de otra manera es elegible.

FINDINGS:

You were employed by AMAZON.COM SERVICES INC until December 7, 2019 when you were fired because you were involved in a workplace incident in which you raised your voice and told another employee to back his Industrial truck up and as a result your employer believes that you were intimidating the other employee. This was not a willful or wantonly negligent violation of the standards of behavior an employer has the right to expect because you needed to raise your voice in order to be heard over the noise of the warehouse to give direction to another employee to avoid an accident.

LEGAL CONCLUSION/CONCLUSIÓN JURÍDICA:

You were fired but not for misconduct connected with work.

Usted no fue despedido por mala conducta relacionada con el trabajo.

CORPORATE COST CONTROL
AMAZON.COM SERVICES INC
PO BOX 17618
MISSOULA, MT 59808-7618

By: HEMJM09
(Authorized Representative)

Decision # 83738

Form: CA_DSA10 Rev: 0319

APPEAL RIGHTS/DERECHOS DE APELACIÓN:

You have the right to appeal this decision if you do not believe it is correct. Your request for appeal must be received no later than February 6, 2020. This decision **ALLOWS** benefits. If there are other decisions affecting your eligibility for benefits, you must appeal those decision(s) separately.

Do not stop filing for weekly benefits if you are requesting unemployment during the appeal process.

Usted tiene el derecho de apelar esta decisión si usted no cree que sea correcta. Su solicitud de apelación debe ser recibida a más tardar el 6 de febrero de 2020. Esta decisión **OTORGA** beneficios. Si hay otras decisiones que afectan su elegibilidad para los beneficios, usted debe apelar esta(s) decisión(es) por separado.

No deje de hacer su reclamo semanal si usted está solicitando beneficios de desempleo durante el proceso de apelación.

Date of Decision: January 17, 2020

CORPORATE COST CONTROL
AMAZON.COM SERVICES INC
PO BOX 17618
MISSOULA, MT 59808-7618

By: HEMJM09
(Authorized Representative)
Decision # 83738
Form: CA_DSA10 Rev: 0319



VAL HOYLE
Labor Commissioner

September 25, 2020

THOMAS DUBOIS
4410 SE ALDERCREST RD
PORTLAND, OR 97222

RE: Complainant: Thomas Dubois
Respondent: Amazon.Com Services, Inc.
Case #: STEMWB190925-11460

This letter is to inform you that the above-captioned complaint filed with the Civil Rights Division has been dismissed because the Division did not find sufficient evidence to continue our investigation. This is the Bureau's final determination. If you wish to pursue your claim(s) further, you may wish to consult an attorney regarding your right to file a civil suit.

NOTICE OF RIGHT TO FILE A CIVIL SUIT

This is your 90-day notice letter: Although this case has been closed, pursuant to ORS 659A.880, you, the Complainant, may file a civil action against the Respondent under ORS 659A.885 within 90 days after the date of mailing of this 90-day notice. Any right to bring a civil action against the Respondent under ORS 659A.885 will be lost if the civil action is not commenced within 90 days after the date of the mailing of this 90-day notice. ***Note: If the complaint was a public accommodations case filed under ORS 659A.403 or 659A.406, the right to file suit in state circuit court expires one year from the date of the alleged violation.***

Further, if the Respondent is a public entity, to preserve the right to file a suit in state circuit court, the Complainant must also comply with the Oregon Tort Claims Act (ORS 30.260 to 30.300). Complainants interested in protecting these rights, should consult an attorney immediately regarding the requirements for filing. The Oregon State Bar referral number for Portland is 503-620-0222 or 800-452-7636.

Requests for copies or viewing this file will be processed as explained on the enclosed double-sided Request for Public Records form.

Sincerely,
CIVIL RIGHTS DIVISION
Administrative Support Unit
Carol Johnson, CRD Administrator

jl

Date of Mailing: September 25, 2020

Enclosure(s) Request for Public Records





RECEIVED

SEP 25 2019

BUREAU OF LABOR AND INDUSTRIES

Civil Rights Division Complaint of Unlawful Practice

CIVIL RIGHTS DIVISION
PORTLAND OFFICECOMPLAINANT:
THOMAS DUBOISCase #:
STEMWB190925-11460RESPONDENT:
Amazon.com Services, Inc.
dba Amazon
1250 NW Swigert Way
Troutdale, OR 97060

Contact: Human Resources

Headquarters:
Amazon.com Services, Inc.
410 Terry Avenue North
Seattle, WA 98109

County: Multnomah

of Employees: 50+

ORS 659A.199

I, Thomas Dubois, under penalty of perjury, do depose and say as follows:

Allegations: I allege an unlawful employment practice based on my protected whistleblowing activities in that Respondent retaliated against me and subjected me to a hostile work environment.

1. I was hired by Respondent as a level 1 inbound associate on or about November 13, 2018. I am a 50 year old Caucasian male.
2. In February/March 2019, I reported concerns about a coworker John Clark being under the influence of alcohol to manager Renee Bradbury.
3. On April 20, 2019, I questioned Ms. Bradbury and her decision to keep an alleged injured worker on the forklift, John Clark, and putting Mr Clark on the order picker truck possibly furthering alleged injury instead of sending him to medical treatment. I left work shortly after in disagreement with Ms Bradbury decision.
4. On April 24, 2019, Ms. Bradbury disciplined me by assigning me to an outbound manual picker shift, which starts at 07:30, came to me during my work and said, "Don't ever do that again." referring to my early departure on 4-20-2019.
5. On or around June 2019 I recieved employee of the month for May 2019.
6. I attended an appeal panel on or around July 10th 2019, as a panel member, and questioned the validity of "takt time" to ops mgr. Clay. The associate was terminated after having a miscarriage, off for a month, and returned to inbound stow not able to "meet" her (Brandi) takt time. I asked Clay since inbound stow has a 5000 club and that the stowers to which compete are given nothing but "smalls" items would it

PORTLAND
800 NE Oregon St., Suite 1045
Portland, Oregon 97232-2180SALEM
3865 Wolverine Ave. NE; E-1
Salem, Oregon 97305-1268EUGENE
1400 Executive Parkway, Suite 200
Eugene, Oregon 97401-2158



BUREAU OF LABOR AND INDUSTRIES

Civil Rights Division Complaint of Unlawful Practice

be possible for the "water spider" aka person bringing stowers freight, to give Brandi large items rendering a higher takt time. Clay said technically yes. I then pointed out Brandi's 99.67% of the curve the week prior to her miscarriage rendering a wrongful termination in my opinion. A manipulated takt time determined by the water spider and what you get to stow per size.

7. On July 25, 2019, I was on a walkie-talkie trying to get hold of my manager Nick Tavarez. John Clark came behind me and said, "You bitch ass," and threw something at me.

8. I reported Mr. Clark's behavior to Respondent's human resources. Although they acknowledged that the behavior was a form of harassment, no corrective action was taken.

9. Due to stress from work, I requested to take two days, July 26 and July 27, 2019, off from work.

10. As I walked to my vehicle associate "Clayton" warned me of Mr Clark making a retaliatory threat to set me up. I sat in my car nervous, smoked a cigarette and went back into h.r. main office to tell them.

11. On my first day back from h.r.'s initial investigation I felt protected per my telephonic conversation with h.r. rep Sarah Hugulet. On my last break at approx. 14:45 Mr. Clark arm checked me hard in the break room as I was already in the refrigerator. Mr. Clark approached me not I him.

12. On Monday July 29th I went to the Multnomah County Sheriff's Office and filed a complaint against Mr. Clark (case number 19-43878). The deputy I spoke with and filed the complaint said he would go to my work location.

13. After my reporting, Respondent subjected me to a hostile work environment including, but not limited to, the following:

- a. Respondent assigned me to less desirable jobs and changed my schedule,
- b. I was yelled at and talked down to by manager Renee Bradbury and other supervisors, and associates
- c. I was forced to take time off without pay to avoid harassment at work, and
- d. Respondent sent me home on August 14, 2019, without pay to conduct an investigation into my complaint of manager Gary Billy.
- e. The following day I was taken off order picker machine duties at approx. 1pm and forced to go to manual stow by order of Mgr "Cassie" to which I objected.
- f. Blatant continuous harassment rendered my obtaining current day stat sheet for order picker machine operator and going to main office Sr. Ops Nate proving I was at double the production of other associate(s)

14. As of the date of this complaint, I am still employed by Respondent. I created a order picker audit system for the v.n.a. area to which I work. I was also asked to write S.O.P.'s by my operations for the v.n.a. as well.

15. On Sept. 6th 2019 I was refused to inspect and copy my employee personnel file by Shelley Erickson head h.r. representative and her downline h.r. associate "John".

Continued on reverse side

PORTLAND
800 NE Oregon St., Suite 1045
Portland, Oregon 97232-2180

SALEM
3865 Wolverine Ave. NE, E-1
Salem, Oregon 97305-1268

EUGENE
1400 Executive Parkway, Suite 200
Eugene, Oregon 97401-2158

I believe Respondent subjected me to a hostile work environment and retaliated against me because of my whistleblowing activities. I have given multiple statements of verbal, written and email pertaining to the above mentioned et more. I have additional facts to the above mentioned which are available upon request.

mk/19-05220\8.26.2019

I hereby declare under penalty of perjury that the above statement is true and correct to the best of my knowledge and belief, and that I understand it is made for use as evidence in an official proceeding.

I understand that the above statement is a public record and that the information herein may be disclosed to any person, at any time.

Your signature:

